

**FILED**

OCT -4 2006

RICHARD W. WILKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 OSCAR MARTINEZ,

15 Defendant.  
16

CR NO. 05-00734 RMW RSS

17 JOINT STIPULATION AND ~~[PROPOSED]~~ <sup>AS</sup>  
18 ORDER CONTINUING BAIL REVIEW  
19 HEARING

20 Defendant Oscar Martinez, through his attorney, and the United States, through its  
21 attorney, hereby stipulate and agree and move the Court to continue the bail review hearing of the  
22 defendant from its current date of October 4, 2006 to a new date of November 1, 2006 at 2 p.m..  
23 The reason for the continuance is that Mr. Martinez is currently out of the country and cannot  
24 appear on October 4; efforts are being made to arrange for his return and appearance before the  
25 Court. Furthermore, Mr. Martinez's sentencing is scheduled for October 23, and if Mr. Martinez  
26 appears for that sentencing, the bail review hearing may become moot.

27 Dated: October 3, 2006

Respectfully submitted,

28 /s/ Mark D. Eibert

STIPULATION AND ~~[PROPOSED]~~ ORDER TO CONTINUE HEARING, U.S. V. OSCAR MARTINEZ, CR NO. 05-00734

1 MARK D. EIBERT  
2 Attorney for Defendant Oscar Martinez

3  
4 Respectfully submitted,  
5 /s/ Mark Krotoski

6 MARK KROTOSKI  
7 Attorney for the Government

8 **ORDER**

9 Good cause appearing therefore, it is hereby ORDERED that the bail review hearing for  
10 defendant Oscar Martinez shall be continued until November 1, 2006 at 2 p.m.

11 Dated: October 4, 2006

12   
13 UNITED STATES MAGISTRATE JUDGE